



# Transport and Works Act 1992

## 1992 CHAPTER 42

### PART I

#### ORDERS AUTHORISING WORKS ETC

##### *Power to make orders*

### 3 Orders as to inland waterways etc.

- (1) The Secretary of State may make an order relating to, or to matters ancillary to—
- (a) the construction or operation of an inland waterway in England and Wales;
  - (b) the carrying out of works which—
    - (i) interfere with rights of navigation in waters within or adjacent to England and Wales, up to the seaward limits of the territorial sea, and
    - (ii) are of a description prescribed by order made under section 4 below.

[<sup>F1</sup>(1A) Subsection (1) is subject to—

- (a) section 33(2) of the Planning Act 2008 (exclusion of powers to authorise development);
- (b) section 120(9) of that Act (exclusion of power to include ancillary provision in orders).]

- (2) The Secretary of State shall not make an order under this section if in his opinion the primary object of the order could be achieved by means of an order under the <sup>M1</sup>Harbours Act 1964.
- (3) The power to make orders under this section shall be exercisable by statutory instrument.

#### Textual Amendments

- F1** S. 3(1A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), [Sch. 2 para. 53](#) (with s. 226); [S.I. 2010/101](#), art. 2 (with art. 6)

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*Changes to legislation: There are currently no known outstanding effects for the Transport and Works Act 1992, Section 3. (See end of Document for details)*

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**Modifications etc. (not altering text)**

**C1** S. 3 restricted (1.12.1998) by 1998 c. 38, s. 37(3); S.I. 1998/2789, art. 2

**C2** S. 3 modified (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2

**Commencement Information**

**I1** Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, Sch. 1.

**Marginal Citations**

**M1** 1964 c. 40.

**Changes to legislation:**

There are currently no known outstanding effects for the Transport and Works Act 1992, Section 3.